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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,947	04/12/2001	Sandra A. Staley	SD76/01	3227
7590	12/29/2003		EXAMINER	
EDWARD P. DUTKIEWICZ P.O. BOX 511 LARGO, FL 33779-0511			SINGH, DALZID E	
			ART UNIT	PAPER NUMBER
			2633	
			DATE MAILED: 12/29/2003	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/833,947	STALEY, SANDRA A.
	Examiner	Art Unit
	Dalzid Singh	2633

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 April 2001.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1 and 9 is/are allowed.

6) Claim(s) 2-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the structural elements of figure 1 (62, 64 and 76), figure 2 (38, 40 and 42), figure 3 (74) and figure 5 (76) are merely labeled with identifying numbers. Since these elements are illustrated as blank boxes which do not correspond to a well known graphical representations, applicant is required to provide suitable legends under 37 C.F.R. 1.83 (a) and 1.84 (p). Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both top portion and bottom portion of the remote control and flash light system shown in Fig. 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasawicz (US Patent No. 6,329,943) in view of Sottile (US Patent No. 5,203,622).

Regarding claim 2, Pasawicz discloses illuminated remote control system, as shown in Figs. 1 and 2, comprising:

a housing having of a top portion (shown in Fig. 1) and a bottom portion (shown in Fig. 2) with a periphery there between having at least one aperture there through, the top portion also having an upper face with a plurality of holes (for example, buttons (22) shown on top surface pass through plurality of holes), the bottom portion having a bottom face with a window and a latchable covering (for example, on the left hand side of figure 2, there is shown a latchable covering with arrow shaped lines to hold power supply, such as batteries);

a light bulb for emitting visible light with a central axis of dissemination (since illuminating mean radiates visible light, there must be a light bulb to radiate that light and illuminate, for example, a dark room);

a power source being electrically coupled to the light bulb (see col. 4, lines 22-24); and

a plurality of function buttons (22), shown in Fig. 1, passing through holes in the housing and with an on/off button (light control means which control light illumination) passing through a hole in the housing to activate and inactivate the light bulb (see Fig. 5 and col. 4, lines 18-23).

Although Pasawicz teaches remote control device, Pasawicz does not specifically disclose that the remote control system has an infrared light emitting diode, which transmit infrared signal. However, it is extremely well known that conventional remote control controls appliances such as TV, audio or video devices through either IR

or RF. Sottile is cited to show such well known concept (see col. 1, lines 30-40 and col. 2, lines 28-31). Therefore, if it is not inherent, it would have been obvious to an artisan at the time of the invention to use IR communication as taught by Sottile in the remote control of Pasawicz. One of ordinary skill in the art would have been motivated to do this since IR is less susceptible to electromagnetic interference (EMI).

Moreover, it would have been obvious that there exist a power source connected to the infrared device in order to operate.

Regarding claims 3 and 4, as discussed above and shown in Fig. 4, Pasawicz shows that the light illuminating means can be rotated, which would allow the infrared light emitting diode (which is typically in front of the remote control device) and the light bulb (within the illuminating mean) at opposite ends of the housing for projecting light in opposite directions with a common axis; or the infrared light emitting diode and the light bulb are at the same end of the housing for projecting light in the same direction with parallel axes.

Regarding claim 6, as shown in Fig. 5, Pasawicz, shows light control means (i.e., on/off switch) which control light illumination is located between the top portion and the bottom portion on the periphery of the housing (the control means which control the light illuminating mean is located between the top and the bottom of the housing).

Regarding claim 5, the combination of Pasawicz and Sottile differs from this claim in that the combination does not specifically disclose that the on/off button (i.e., light control means) is on the top portion of the housing. However, it would have been a matter of design choice to provide the on/off button (i.e., light control means) on the top

portion of the housing. This supporting rational is based on a recognition that claimed differences exist not as a result of an attempt by the applicant to solve a problem but merely amounts to selection of expedients known to the artisan of ordinary skill as design choices.

Regarding claims 7 and 8, the combination of Pasawicz and Sottile differs from this claim in that the combination does not specifically disclose that the flashlight bulb and the modulated light have separate or common power sources. However, it would have been a matter of design choice to provide a common or separate power source for the flashlight bulb and infrared light emitting diode. This supporting rational is based on a recognition that claimed differences exist not as a result of an attempt by the applicant to solve a problem but merely amounts to selection of expedients known to the artisan of ordinary skill as design choices.

***Allowable Subject Matter***

5. Claims 1 and 9 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

The instant application is directed to a nonobvious improvement over the invention described in patent number 6,329,943 to Pasawicz or patent number 5,203,622 to Sottile. The improvement comprises:

a housing having of a top portion and a bottom portion with each portion having a first end, a second end, a pair of generally parallel side faces between the first end and

second end and a first transverse edge adjacent the first end and a second transverse edge adjacent the second end, the top portion also having an upper face with a plurality of holes, the top portion further having a first aperture in the first end and a second aperture in the second end opening into the transverse edges, the bottom portion having a bottom face with a window and a latchable covering, the bottom portion also having a first aperture in the first end and a second aperture in the second end opening into the transverse edges, the top and bottom portion being coupled together with the first and second transverse edges making contact and the two portions forming a single first circular aperture in the combined first ends and a single second circular aperture in the combined second ends; and

a pair of clear plastic covers each having a hemispherical shape with a convex apex and an open concave bottom with the open bottom of the first cover being coupled to the aperture in the combined first ends and the open bottom of the second cover being coupled to the aperture of the second ends such that the apexes point away from the housing, the coverings forming protective layers around the diode and bulb keeping debris out of the housing and preventing hot component from harming a user. This patentable distinction is included in independent claim 1.

The instant application is directed to a nonobvious improvement over the invention described in patent number 6,329,943 to Pasawicz or patent number 5,203,622 to Sottile. The improvement comprises:

a housing having of a top portion and a bottom portion with each portion having a first end, a second end, a pair of generally parallel side faces and a first transverse

edge adjacent the first end, the top portion also having an upper face with a plurality of holes, the top portion further having a first aperture in the first end opening into the first transverse edge, the bottom portion having a bottom face with a window and a latchable covering, the bottom portion also having a first aperture in the first end opening into the second transverse edge, the top and bottom portion being coupled together with the first and second transverse edges making contact and the two portions forming a single circular aperture in the combined first ends; and,

a clear plastic cover having a planar shape being coupled to the aperture in the combined first ends and being planar with the first end, the covering forming a protective layer around the diode and bulb keeping debris out of the housing and preventing hot components from harming a user. This patentable distinction is included in independent claim 9.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Acquanetta (US Patent No. 5,055,977) is cited to show remote control illuminator.

Anderson (US Patent No. 5,564,814) is cited to show remote control illumination system.

Hildebrand (US Patent No. 5,590,950) is cited to show portable object illumination device.

Radley (US Patent No. 6,050,696) is cited to show remote control illuminating device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (703) 306-5619. The examiner can normally be reached on Mon-Fri 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DS  
December 10, 2003

*Leslie Pascal*  
LESLIE PASCAL  
PRIMARY EXAMINER